

Docket No.: K-0364


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Is te Application of:

Chan Sik HWANG

Confirmation No.: 9766

Group Art Unit: 2111

Examiner: Glenn Allen AUVE

Customer No.: 34610

Serial No.: 10/026,776

Filed: December 27, 2001

For: APPARATUS AND METHOD OF PREVENTING CONGESTION IN MESSAGE
TRANSMISSION SYSTEM

REQUEST FOR RECONSIDERATION

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The following remarks are respectfully submitted in response to the Office Action mailed on May 19, 2004, in connection with the above-identified application.

Claims 1-22 are pending in the application, of which claims 5-10 and 22 are allowed, and claims 2, 12, and 16-19 are objected to as dependent upon a rejected base claim.

Reconsideration of the application is respectfully request for at least the following reasons.

The Office Action rejects claims 1, 3, 11, 13, 15, 20, and 21 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,671,784 B2 to Lee. The Office Action, at page 4, rejects claims

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4 and 14 under 35 U.S.C. §103(a) as unpatentable over Lee. However, because Lee is not prior art to the claimed invention, the rejections are respectfully traversed.

Applicant respectfully submits that Lee cannot be used as prior art to the claimed invention because the foreign filing date of the present application antedates the effective filing date of Lee. Pursuant to 37 C.F.R. § 1.55(a)(4), attached is an English language translation of Korean Patent Application No. 86398/2000 (filed December 29, 2000), to which the present invention claims the benefit of priority, along with a statement averring the accuracy of the translation. Accordingly, Applicant submits that at least claims are entitled to a priority date that is earlier than Lee's effective November 30, 2001 filing date. Thus, Lee is not prior art as to the claimed invention. Withdrawal of the rejection is thus respectfully requested.

For at least the above reasons, Applicant respectfully submits that claims 1, 3, 4, 11, 13-15, 20, and 21 are allowable.

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Garth D. Richmond**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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Garth D. Richmond
Registration No. 43,044

Attachment: Verified English Translation of
Foreign Priority Document

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Date: August 19, 2004

Please direct all correspondence to Customer Number 34610